

## MINUTES OF THE METRO OPERATIONS COMMITTEE MEETING

Wednesday, November 17, 1999

Council Chamber

Members Present: Ed Washington (Chair), Bill Atherton (Vice Chair)

Members Absent: Jon Kvistad

Chair Washington called the meeting to order at 3:45 P.M.

### 1. Introductions

There were none.

### 2. Citizen Communications

There were none.

### 3. Consideration of the Minutes of the October 20, and November 3, 1999, Metro Operations Committee Meetings

There was no action on the minutes of the October 20, 1999, or the November 3, 1999, Metro Operations Committee meeting, as Councilor Kvistad was absent.

### 4. Resolution No. 99-2805, For the Purpose of Confirming Nathalie Darcy as a Citizen Member Alternate to the Metro Policy Advisory Committee (MPAC)

Bruce Warner, Chief Operating Officer, presented Resolution No. 99-2805. He represented Executive Officer Burton, who was unavailable. A staff report to the resolution includes information presented by Mr. Warner and is included in the meeting record.

**Motion:**

Councilor Atherton moved to recommend Council adoption of Resolution No. 99-2805.
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Michael Morrissey, Senior Council Analyst, noted that Councilor Kvistad stated today via telephone that he supported the confirmation, which was in his district.

**Vote:**

Councilors Atherton and Washington voted yes. Councilor Kvistad was absent. The vote was 2/0 in favor and the motion passed.
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Councilor Kvistad will carry Resolution No. 99-2805 to the full Metro Council.

### 5. Resolution No. 99-2861, For the Purpose of Appointing Members to MCCI: Bill Kirby and Leeanne MacColl

Kay Durtschi, Metro Committee for Citizen Involvement (MCCI) Nominating Committee, presented Resolution No. 99-2861. A staff report to the resolution includes information presented by Ms. Durtschi and is included in the meeting record.

**Motion:**

Councilor Atherton moved to recommend Council adoption of Resolution No. 99-2861.
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**Vote:**

Councilors Atherton and Washington voted yes. Councilor Kvistad was absent. The vote was 2/0 in favor and the motion passed.
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Councilor Washington will carry Resolution No. 99-2861 to the full Metro Council.

### **6. Resolution No. 99-2865, For the Purpose of Approving the Smith and Bybee Lakes Wildlife Area Recreation Facility Plan**

Dan Kromer, Senior Manager, Regional Parks and Greenspaces, presented Resolution No. 99-28465. A staff report to the resolution includes information presented by Mr. Kromer and is included in the meeting record.

Emily Roth, Smith-Bybee Wildlife Refuge Manager, Regional Parks and Greenspaces, reviewed the components of the facility plan. The Smith and Bybee Lakes Wildlife Area Recreation Facility Plan includes information presented by Ms. Roth and is included in the meeting record. 12/8/99 last day.

Mr. Kromer noted that Ms. Roth would be leaving Metro soon, as she had accepted a new position at the Department of Environmental Quality (DEQ) as the manager for the Portland Harbor clean ups project.

Chair Washington wished Ms. Roth luck on her new endeavor, and expressed his regrets that she would be leaving Metro.

Councilor Atherton said he supported the idea of an electric gate, and thought it would be important for monitoring the area. He asked if they had considered alternatives to increasing the amount of impervious surfaces when they expand the parking lot.

Ms. Roth said they have spoken with the City of Portland about using a newly developed pervious-surface concrete for the parking lot. She said a lot of those details would be worked out in the design and engineering phase. Through their planning process, they have also considered filtration from the parking lot run-off go into the sandy area surrounding the lot, and go back into the ground water.

Councilor Atherton asked what the current depth of the lake was.

Ms. Roth said the lake was about two to three feet deep. They are planning to put out a type of matting which people could walk or drag their boat across as the water recedes.

Councilor Atherton asked if they have ever investigated enhancement of the fishing opportunities in Smith and Bybee Lakes, such as floating an eight-inch dredge to create islands and pools.

Ms. Roth said they have not looked at that option. The long-range management plan for the area calls for pulling out the dams so that Smith and Bybee Lakes would return to tidal freshwater marsh, and that will adversely impact the warm water fisheries.

Councilor Atherton said as he recalled, they had a policy about taking that dam out, and there may be fish issues involved in that. He asked why the Council should spend \$300,000 for this when the thing may be kaput.

Ms. Roth said the expenditure of funds was warranted because it would still be possible to boat from November to July. She said it was only from July to October that this area would not be good for boating. The other advantage to putting Metro's money here is that it would give good parking and access to the Interlakes Trail, as it is currently the only public access to the wildlife area. She noted that while the diagram of the site showed an electric gate, in reality, it would not be an electric gate at first. They spoke with the people who work at Nordstrom, located across the street, who have a full-time security guard. Nordstrom offered that if an electric gate was too expensive at this time, its security staff would open and lock the gate. She said the gate will be locked at night.

Councilor Atherton said he would talk with Ms. Roth about other available technology.

Ms. Roth added that the people at Nordstrom also offered that, if Metro wanted to install any security cameras at Smith and Bybee Lakes, they would put up a new monitor as part of their security.

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Councilor Atherton asked about the issue of dredging and creating enhanced fishing opportunities, and the potential for a boat rental. He noted that not everyone owns a boat, and this was an opportunity for Metro to be entrepreneurial and generate some funds. He asked if that was in the plan.

Ms. Roth said it was not in this plan. She said if boat rentals are considered, she would like to encourage that only renting kayaks and canoes for recreational and bird watching use. Some sediment monitoring information has shown that there are toxins in the bottom of Smith and Bybee Lakes. She said any consideration of dredging would raise toxic and contaminant problems. The Oregon Department of Health has not issued a fish advisory for Smith and Bybee Lakes. However, they have cautioned Metro many times that when they talk to people about fishing at Smith and Bybee Lakes, that staff encourage them to only eat the fillets and not the whole fish because of possible contaminants in the lakes. She said any decision to encourage fishing would need extensive investigation.

Councilor Atherton said while investigating another project for a fish farm, in which the intent was to make money, he found out that the water was contaminated. The advice he received was to dredge in spots, create islands, and plant it with vegetation that basically remediates the toxic situation. This would also create good fishing opportunities, which could be catch and release. He said there were people willing to pay money for this kind of recreational opportunity, if Metro developed it. There was a tremendous demand in the region for warm water fishing. He said another consideration was that not everyone has a boat, and there may be operators willing to have boat rentals at the lakes, although the economies of scale may be quite small. He asked if this was ever investigated as part of planning.

Ms. Roth said they had not investigated warm water fisheries because of the contaminants, and because when the dam is removed the warm water fisheries will be very limited. She said at times they have talked about having boat rental facilities for canoeing and kayaking. She added that Metro has a good working relationship with Alder Creek Kayak Supply Inc., located on Jantzen Beach just 10 minutes away from Smith and Bybee Lakes. If people rent two or more canoes from the company, it will deliver and pick up its canoes and kayaks for free to Smith and Bybee Lakes. She said this provided some opportunity for people who do not have boats to enjoy the lakes.

Councilor Atherton asked what the substrait was down about 10 or 20 feet.

Ms. Roth said if one went down probably 10 or 15 feet, one would eventually hit a gravelly bottom. The rest of it was mud.

Councilor Atherton asked if there was any value to mining that gravel.

Ms. Roth said she hoped Metro would not consider mining the gravel as this was a natural area that everyone in the region enjoyed. She said that would create some conflicts in uses.

Councilor Atherton said there were areas in Oregon in which gravel mining was separated from the river, in which the mining operation created a pond and fishing opportunities that would not otherwise exist. If mining could be done in a way that did not affect the water quality, it was a good tradeoff. He asked if any investigation had been done on this.

Ms. Roth said they had not done any studies in deep sediments in Smith and Bybee Lakes, so it was probably an assumption on her part that the river bed was gravel.

Councilor Atherton asked if it was Ms. Roth's assumption also that the sediment was toxic.

Ms. Roth said no. The DEQ required Regional Environmental Management to do sediment sampling in Smith and Bybee Lakes as part of the process for closing the landfill, and they had preliminary results from that.

Councilor Atherton asked if they ever considered dredging with the deposit of the sediments at St. Johns Landfill and remediation there in a form of bio-remediation.

Ms. Roth said no, they had not looked at that.

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Councilor Atherton said he did not know the distances involved, and asked Chair Washington if he knew.

Chair Washington said they were pretty close, but raising the issue would probably open up a Pandora's box. He asked Ms. Roth to elaborate on her statement that removal of the dam will impact the warm water fisheries.

Ms. Roth said the dams hold the lakes up to an artificial level of 7.5 feet. When the dam is removed, many more mudflats will be exposed because the lakes will drop. She said there will only be certain areas in Smith and Bybee Lakes that will be deep enough for fish. The rest will be mudflats.

Chair Washington said with regards to toxins and fish, were the toxins found more along the spiny area and the fat, and was why the fillets were okay to eat.

Ms. Roth said that was correct, the toxins accumulated in the fatty tissues.

Chair Washington asked if there was any place at Smith and Bybee Lakes that explained who Smith and Bybee were.

Ms. Roth said no, the interpretive sign did not give that information.

Chair Washington recommended that that be considered as part of this plan. He said he did not know if it would take a lot of work to accomplish, but he thought it would be a very interesting to include that part of the lakes' history along with the interpretive signs.

Ms. Roth said that was a good suggestion.

Councilor Atherton asked about the source of \$333,000 needed for the plan.

Ms. Roth said they did not yet know their funding source. They would be looking for grants and different opportunities. She said they first approached the management committee about taking the money out the Smith and Bybee trust fund over a series of years, but the management committee felt that was not fiscally responsible.

Councilor Atherton said this was one of the reasons why he brought up the fishing opportunity and the dredging concept. He said they might be able to use Pitman Robertson federal funds, the sale of fishing and hunting equipment, and combine that with the closure of the St. Johns Landfill, if toxic sediments were removed from Smith and Bybee Lakes, and taken to the landfill, creating a bio-remediation area.

Ms. Roth said she understood Councilor Atherton's idea, but the entire landfill had been closed and covered. Removing any toxic sediments from the lakes would have to be investigated and disposal would have to be considered.

**Motion:** Councilor Atherton moved to recommend Council adoption of Resolution No. 99-2865.

**Vote:** Councilors Atherton and Washington voted yes. Councilor Kvistad was absent. The vote was 2/0 in favor and the motion passed.

Chair Washington will carry Resolution No. 99-2865 to the full Metro Council.

### 7. MERC Commission Update

Mark Williams, General Manager, Metro Exposition-Recreation Commission (MERC), presented the July-September 1999 MERC Quarterly Report. The quarterly report includes information presented by Mr. Williams and is included in the meeting record.

Chair Washington asked about the proposed underground parking at the Oregon Convention Center, underneath the expansion.

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Mr. Williams said the current plan called for 1.5 levels of parking. They did not have enough money to build two full floors of parking underneath the expansion. He said the land must be excavated in order to build the foundation; and the per space cost for underground parking was around \$19,000. He said they would try to build as many as possible. He added that MERC expects the expansion of the Convention Center to tilt its business somewhat: it will get more out-of-town conventions and economic-impact generating business, and probably fewer consumer shows, which it will try to push out to the Expo Center. Out-of-town conventions, on a per capita basis, generally did not use as much parking as the consumer shows.

Councilor Atherton noted that each space must earn \$200 per month in revenue to justify the expenditure of \$19,000 per parking space. He asked if MERC was also looking at park and ride opportunities.

Mr. Williams said it was a different type of analysis in terms of justifying the parking structure purely on a cash flow basis. Given that the Convention Center's whole focus was generating additional impact throughout the region, by bringing in room-night generating business. He said there needed to be sufficient amenities, including parking, and preferably underground parking that was dry and out of the weather, even if it did not pay back. Having said that, Mr. Williams added that this was a 30-year investment, and he thought there would be substantial payback. MERC was budgeting substantial increased revenue flows from parking as a result of the increased parking spaces. The other side to that was, when he said there would be perhaps a tilt in business, to recognize that with a larger center, they would have the capacity to host both an out-of-town convention and a local show at the same time. Therefore, they had to be able to accommodate those uses. In the long run, he felt it was a wise expenditure of funds.

Councilor Atherton asked Mr. Williams about the statement in the report that MERC achieved a refund from the Celebrity Forum.

Mr. Williams said that was correct, although MERC it was not a 100% refund. As it done with every tenant, MERC made the Celebrity Forum file a performance bond for \$200,000. The bond was for two purposes: 1) to secure their obligations to MERC, and 2) to secure their obligations toward their season ticket holders. After Celebrity Forum filed bankruptcy, Metro Office of General Counsel assisted MERC in demanding payment on the bond from the bond company, which did not hesitate to pay the full bond. MERC took out its out-of-pocket expenses, leaving MERC harmless, and refunded the remaining money, about \$150,000, to the season ticket holders. The refund to the season ticket holders was about 70 cents on the dollar, which was met with very favorable response. Even though MERC was not able to return all their money, many of them had assumed they would not be reimbursed at all.

Councilor Atherton complimented Mr. Williams for a job well done. He asked about the status of the master planning for the Expo Center.

Mr. Williams said MERC was to issue the Request for Proposals (RFP) for a consultant for the master plan, which should go out this week. They hoped to select a consultant at the December MERC meeting, and get right to work on developing a master plan. He noted that a lot of the work had already been done in conjunction with other entities' master plans, such as the Port of Portland and the Portland International Raceway. MERC was very hopeful that it could put a thorough master plan together quickly, as much of the analysis on transportation and environmental issues was already part of the public record.

Councilor Atherton asked how much Mr. Williams expected the master plan to cost. He asked if Mr. Williams knew of the infamous \$500,000.

Mr. Williams said he did not know of it, but he assured Councilor Atherton that MERC would not spend even close to \$500,000 on a master plan. He said could not remember the exact amount allocated to this purpose in the budget, but MERC did not have that kind of money.

Councilor Atherton asked Mr. Williams about the landscaping at the Expo Center.

Chair Washington explained that that was not master planning, that was part of the original construction of Hall D.

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Mr. Williams said Chair Washington was correct. When Hall D was constructed, the City of Portland required a half million dollar in landscaping. Since there was not enough money to build Hall D in time for the Smithsonian Exhibit and do the landscaping at that time, they negotiated a grace period so that the landscaping obligation existed but did not come forward until MERC did other construction. It was a condition of use for the permit. MERC now had that obligation, he understood some Metro Councilors had been speaking with City of Portland officials.

Chair Washington noted that there had not been any discussions with City of Portland officials and himself.

Mr. Williams said Councilor Kvistad had a deep and abiding interest in the issue.

Mr. Morrissey said he recalled that the Parks Department had estimated between \$50,000 and \$75,000 for substantial master planning of their sites.

Mr. Williams noted that MERC's area was much more discreet; one parcel versus a number of different sites.

Councilor Atherton said his final question concerned the status of reserve accounts and maintenance reserves.

Mr. Williams asked if Councilor Atherton was referring to fund balances, in terms of what MERC had left to maintain buildings.

Councilor Atherton said yes. There had been discussions about this before, about how much need to be set aside for major maintenance.

Mr. Williams said that was an excellent question. He said it was not standard government practice to include a line item for depreciation on an annual basis, but perhaps it should be. Obviously, MERC had depreciation each year, and it should be showing that account. MERC has discussed doing a comprehensive inventory of the capital needs at all of its facilities. The inventory has been included in the budget, but not never done. He said MERC estimated that a thorough inventory would cost about \$100,000. He said they spoke with Bruce Warner, former Director of Regional Environmental Services (REM), about REM's recent inventory of its facilities. He said at the Performing Arts Center, they looked at, on a square footage industry standard basis, what MERC ought to be spending on capital each year, and there was no way MERC could do it. Given the current budgetary support and revenues, there was not way for MERC to even come close to what a prudent, private operator would do.

Councilor Atherton thanked Mr. Williams for his candor on the subject, because that should be remedied in terms of Metro's bookkeeping.

### **8. Councilor Communications**

There were none.

There being no more business to come before the committee, Chair Washington adjourned the meeting at 4:45 P.M.

Prepared by,

Suzanne Myers  
Council Assistant

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**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF NOVEMBER 17, 1999**

The following have been included as part of the official public record.

<b>TOPIC</b>	<b>DOCUMENT DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>DOCUMENT NUMBER</b>
<b>Resolution No. 99-2865</b>	10/1/99	Smith and Bybee Lakes Wildlife Area Recreation Facility Plan	111799mop-01
<b>MERC Commission Update</b>	July-September 1999	Metropolitan Exposition Recreation Commission Quarterly Report July-September 1999	111799mop-02